

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DISH NETWORK L.L.C.,)
)
Plaintiff,) Case No. 1:08-CV-1540
)
v.) Hon. Christopher A. Boyko
)
FUN DISH, INC.,) Magistrate Judge Perelman
)
Defendant.)
)
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FUN DISH, INC.,) AMENDED STIPULATED ORDER ON NEW
) PARTIES AND SCHEDULING
)
Counter-Plaintiff,)
)
v.)
)
DISH NETWORK L.L.C. and)
ECHOSTAR SATELLITE L.L.C.,)
)
Counter-Defendants.)

WHEREAS, Plaintiff DISH Network L.L.C. and Defendant Fun Dish, Inc. (collectively, the "Parties"), seek this Court's approval of this Stipulated Order ("Order"); and

WHEREAS, the Parties previously submitted a Stipulated Order On New Parties and Scheduling (the "Original Stipulation"), which stipulation has not been entered by the Court; and

WHEREAS, Plaintiff DISH Network L.L.C. ("Plaintiff") has sought and obtained consent from the current sole Defendant Fun Dish, Inc. ("Fun Dish"), and now seeks leave from this Court, *nunc pro tunc*, to file its Second Amended Complaint, previously lodged with the Court in this matter on November 7, 2008, adding two new party-defendants, Fun Dish of Florida, Inc. ("FDOF") and Page One Pagers d/b/a Dish One Up Satellite ("Page One"); and

WHEREAS, Plaintiff has sought and obtained agreement from the undersigned counsel for Fun Dish, who also represent FDOF, that FDOF will submit to the personal jurisdiction of this Court solely in connection with this action; and

WHEREAS, Plaintiff anticipates seeking leave to file a Third Amended Complaint in the future, and the parties therefore agree that Fun Dish and FDOF (collectively "Defendants") should not be required to file a response to Plaintiff's Second Amended Complaint at this time; and

WHEREAS, the parties agree that Defendants shall have until December 15, 2008, to respond to Plaintiff's Motion for Preliminary Injunction, and Plaintiff shall have until January 30, 2009, to file a reply memorandum in support of its Motion for Preliminary Injunction;

ACCORDINGLY, the undersigned Parties, by their respective counsel, having stipulated, agreed and consented to, and the Court finding good cause for, entry of this Stipulated Order,

IT IS THEREFORE ORDERED THAT:

- The Original Stipulation is hereby withdrawn and shall be deemed null and void;
- Plaintiff is granted leave to file, *nunc pro tunc*, its Second Amended Complaint in this matter adding Fun Dish of Florida, Inc. and Page One Pager as new party-defendants;
- Plaintiffs' pending Motion for Preliminary Injunction shall be deemed to seek relief against Fun Dish and new party-defendant FDOF only;
- Defendants are not required to respond to the Second Amended Complaint until further order of the Court;
- Defendants shall jointly file a response to Plaintiff's Motion for Preliminary Injunction on or before December 15, 2008, and Plaintiff shall file a reply memorandum in support of its motion, if desired, on or before January 30, 2009;
- Nothing herein shall be deemed to restrict or impair Plaintiff from seeking leave to further amend its Second Amended Complaint or Defendants from seeking leave to amend their pending Counterclaim.

STIPULATION ACCEPTED AND ORDER GRANTED this 18th day of
December, 2008.

s/Christopher A. Boyko
Honorable Christopher A. Boyko

DISH NETWORK L.L.C.

By /s/ Joseph H. Boyle
One of Its Attorneys

Joseph H. Boyle, Esq.
T. WADE WELCH & ASSOCIATES
2401 Fountainview
Suite 700
Houston, TX 77057

Raymond Rundelli, Esq.
Jennifer B. Wick, Esq.
CALFEE, HALTER & GRISWOLD LLP
1400 KeyBank Center
800 Superior Avenue
Cleveland, OH 44114-2688

FUN DISH, INC.

By /s/ Jami A. Gekas
One of Its Attorneys

Richard M. Hoffman (*pro hac vice*)
Jami A. Gekas (*pro hac vice*)
WILDMAN, HARROLD, ALLEN & DIXON LLP
225 West Wacker Drive, Suite 2800
Chicago, IL 60606-1229
PH: (312) 201-2000
FX: (312) 201-2555

Carole E. Handler (*pro hac vice*)
WILDMAN, HARROLD, ALLEN & DIXON LLP
9665 Wilshire Boulevard, Suite 200
Beverly Hills, CA 90212
PH: (310) 860-8704
FX: (310) 860-3804

David A. Schaefer
Robert T. Glickman
Danielle M. Singerman
MCCARTHY, LEBIT, CRYSTAL
& LIFFMAN Co., L.P.A.
101 West Prospect Avenue
Suite 1800
Cleveland, OH 44115
PH: (216) 696-1422
FX: (216) 696-1210